

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

Minute Entry

Hearing Information:

Debtor: SANTOLAYA INC  
Case Number: 12-07949-ESL11  
Date / Time / Room: 4/9/2013 10:00 AM osjct2  
Bankruptcy Judge: ENRIQUE S. LAMOUTTE  
Courtroom Clerk: EVANGELINA MENDEZ  
Reporter / ECR: VIANCA ARROYO

Chapter: 11

Matter:

Doc# 62 Motion to dismiss filed by United States Fidelity & Guaranty Co.  
Doc# 67 Debtor's Opposition

Appearances:

WIGBERTO LUGO MENDER - attorney for debtor ✓  
PAUL DEVLIEGER - attorney for United States Fidelity & Guaranty Co.

*Daniel Molina, Esq.*

Proceedings:

ORDER:

\_\_\_ Movant's application to withdraw motion is hereby granted. Re: Docket No. \_\_\_

\_\_\_ The motion to dismiss is hereby granted for the reasons stated in open court. The Court requests a transcript to constitute its findings and conclusions pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure.

\_\_\_ The parties are granted \_\_\_ days to file a settlement agreement.

\_\_\_ The hearing is continued to: \_\_\_

\_\_\_ Other:

*Order: For the reasons stated in open court, the court denies the motion to dismiss as movant has failed to establish a prima facie case of lack of good faith (a bad faith). Movant appeared by telephone and did not present any evidence, and the court declines to take judicial notice of adjudicative facts in allegations made in a separate action. See FRE 201. The court bases its conclusions on its decision in In re Costa Bonita Beach Resort, Inc. 479 B.R. 14 (Bankr. D.P.R. 2012).*

*/s/ Enrique S. Lamoutte*  
U.S. Bankruptcy Judge